

PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) **18 OCT 2004**

Applicant's or agent's file reference
23063PCT

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/AU2004/001054

International filing date (day/month/year)
9 August 2004

Priority date (day/month/year)
8 August 2003

International Patent Classification (IPC) or both national classification and IPC
Int. Cl. ⁷ H03M 13/47; H04 B 7/14

Applicant

CLIPSAL INTEGRATED SYSTEMS PTY LTD et al

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input checked="" type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU
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**WRITTEN OPINION OF THE
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International application No.

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Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
 - ☒ paid additional fees
 - ☐ paid additional fees under protest
 - ☐ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
 - ☐ complied with
 - ☒ not complied with for the following reasons:

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Searching Authority has found that there are two inventions:

1. Claims 1 – 41, 43 – 46, 48 – 50 and 52 – 60 are directed to a radio communications system including data frames coded so as to be perceived by the device receiving the data frame, as a collision when the device is already receiving data from another source. It is considered that the detection of a collision comprises a first "special technical feature".
2. Claims 42, 47 and 51 are directed to a radio communications system including at least two transceivers and a repeater located intermediate the transceivers such that upon receipt of a data transmission from a first transceiver, the repeater re-transmits the data transmission from the first transceiver. It is considered that a repeater located intermediate the transceivers such that upon receipt of a data transmission from a first transceiver, the repeater re-transmits the data transmission from the first transceiver comprises a second "special technical feature".

Since the above mentioned groups of claims do not share either of the technical features identified, a "technical relationship" between the inventions, as defined in PCT rule 13.2 does not exist. Accordingly the international application does not relate to one invention or to a single inventive concept.

4. Consequently, this opinion has been established in respect of the following parts of the international application:
 - ☒ all parts
 - ☐ the parts relating to claims Nos.

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1 – 41, 43 – 46, 48 – 50, 52 – 60	YES
	Claims 42, 47, 51	NO
Inventive step (IS)	Claims 1 – 41, 43 – 46, 48 – 50, 52 – 60	YES
	Claims 42, 47, 51	NO
Industrial applicability (IA)	Claims 1 – 60	YES
	Claims None	NO

2. Citations and explanations:

Documents cited for the purpose of compiling this report:

(D1) JP 2001-231078 A (NIPPON TELEGRAPH & TELEPHONE CORP.) 24 August 2001
See Whole document (English translation sourced from JP web site: [http://www19.ipdl.jpo.go.jp/PA1/cgi-bin/PA1INIT?](http://www19.ipdl.jpo.go.jp/PA1/cgi-bin/PA1INIT?;)); and

(D2) US 5040175 A (TUCH et al.) 13 August 1991, see whole document particularly columns 3 – 7.

NOVELTY (N) claims 42, 47 and 51

1. Claims 42 and 47 are not novel in light of prior art document D1 which discloses all of the features defined in the claims. D1 discloses wireless data packet communications system in which includes at least two transceivers and a repeater. The repeater receives data from one of the transceivers and then transmits a RTS packet (repeater flag or data sequence). As a result of the transmission of the RTS packet the transceivers suspend data packet transmitting preparation (suspend further action) in preparation for the reception of the data forwarded on by the repeater.

2. Claim 51 is not novel in light of prior art document D2 which discloses all of the features defined in the claims. D2 discloses wireless information transmission system which includes a distribution system (repeater) and a number of transceiver stations. If the distribution system receives two information packets to the at the same time an information packet collision occurs (incomplete data reception or transmission by the repeater) the distribution system then transmits a collision acknowledgment packet (data sequence) instructing each transceiver station to terminate message transmission therefore ignoring the transmission in progress.

INVENTIVE STEP (IS) claims 42, 47 and 51

3. Claims 42, 47 and 51 do not involve an inventive step in light of prior art documents D1 and D2 as described in novelty objections 1 and 2 above.

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Box No. VI **Certain documents cited**

1. Certain published documents (Rules 43bis.1 and 70.10)

<u>Application No. Patent No.</u>	<u>Publication date (day/month/year)</u>	<u>Filing date (day/month/year)</u>	<u>Priority date (valid claim) (day/month/year)</u>
WO 2004/034310 A2	22 April 2004	7 October 2003	8 October 2002

WO 2004/034310 discloses all of the features defined in claims 1, 2, 3, 8 and 12.

2. Non-written disclosures (Rules 43bis.1 and 70.9)

<u>Kind of non-written disclosure</u>	<u>Date of non-written disclosure (day/month/year)</u>	<u>Date of written disclosure referring to non-written disclosure (day/month/year)</u>
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